



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 3, 2013

Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: Subcase Nos. 63-32910 and 63-33354

Dear Clerk:

Enclosed for filing, please find the original Standard Form 5's (SF5s) for each of the above-referenced subcases.

Thank you for your assistance. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimi White".

Kimi White
Paralegal

Enclosures

SCANNED

MAY 07 2013

2145

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY - 6 2013	
By _____	Clerk Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. 63-32910
	)	<i>Previously Disallowed</i>
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A WATER RIGHT

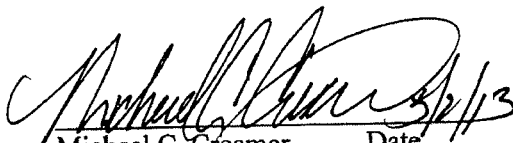
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

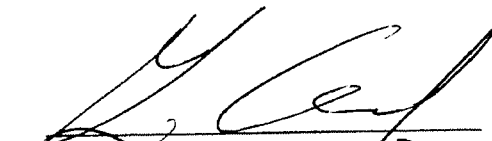
The parties and IDWR agree and stipulate that the elements of this water right should be described as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

W & H Limited Liability Company


 Michael C. Creamer Date 5/2/13
 Attorney for Claimant/Objector

RESPONDENT:


 Greg Obendorf Date

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MAY 07 2013

IDWR Concurrence:

<i>Jan Shurte</i>	<i>10-30-12</i>	<i>Nicholas B. Spencer</i>	<i>10-25-12</i>
Jan Shurte	Date	Nicholas B. Spencer	Date
Adjudication Technical Analyst		Deputy Attorney General	
		Attorney for IDWR	

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MAY 07 2013

10/18/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32910

NAME AND ADDRESS: W & H LIMITED LIABILITY COMPANY
DBA MALLARD FARMS
PO BOX 7943
BOISE ID 83707

SOURCE: UNNAMED DRAIN TRIBUTARY: BOISE RIVER

QUANTITY: 4.600 CFS
45.00 AFY

This right and Right No. 63-33354 are limited to a total combined diversion rate of 4.6 cfs. The storage volume for this right is limited to 45 AF.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1970

This water right shall be subordinate to Water Right No. 63-32460. This water right shall be subordinate to Water Right 63-33508 from October 1 through November 15 inclusive.

POINT OF
DIVERSION:

T05N R05W S27 NENW Lot 3 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	4.600 CFS
WILDLIFE	01/01 12/31	4.600 CFS
WILDLIFE STORAGE	01/01 12/31	45.00 AFY
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: WILDLIFE in CANYON County

T05N R05W S22 NWNW T05N R05W S22 Lot 4 SWNW

T05N R05W S22 Lot 3 NWSW

WILDLIFE STORAGE in CANYON County

T05N R05W S22 NWNW T05N R05W S22 Lot 4 SWNW

T05N R05W S22 Lot 3 NWSW

STOCKWATER same as WILDLIFE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Source is locally known as the Baldrige-Meadows Drain.

Stockwater use is for 200 beef cattle.

NBS
CA
[Signature] MCC

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MAY 07 2013

CERTIFICATE OF MAILING

I certify that on May 6th, 2012³, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

GREG OBENDORF
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702

W & H LIMITED LIABILITY COMPANY
Represented by:
MICHAEL C. CREAMER
601 W. BANNOCK ST.
P.O. BOX 2720
BOISE, ID 83701-2720

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney

SCANNED
MAY 07 2013

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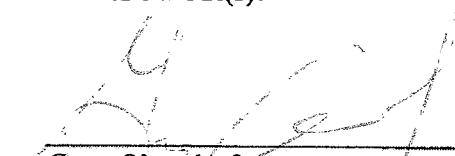
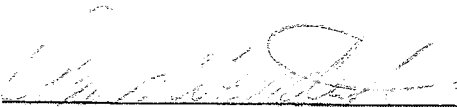
In Re SRBA	)	Subcase No. 63-33354
	)	
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

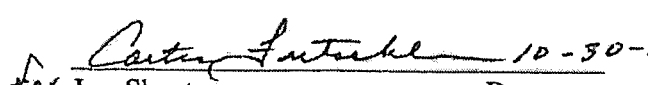
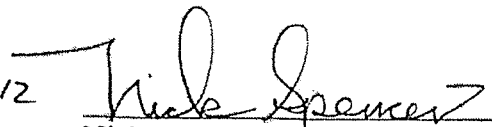
CLAIMANT/RESPONDENT:
W & H Limited Liability Company

 5/2/13
Michael C. Creamer Date
Attorney for Claimant/Respondent

OBJECTOR(s):

 5-24-13
Greg Obendorf Date
 2-25-13
Ann Obendorf Date

IDWR Concurrence:

 10-30-12
for Jan Shurte Date
Adjudication Technical Analyst
 10-25-12
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

10/18/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-33354

NAME AND ADDRESS: W & H LIMITED LIABILITY COMPANY
ATTN: ~~GERALD A WALLER~~
DBA MALLARD FARMS
PO BOX 7943
BOISE ID 83707

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 0.050 CFS

This right and Right No. 63-32910 are limited to a total combined diversion rate of 4.6 cfs.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/13/1944

POINT OF
DIVERSION:

T05N R05W S27 NENW Lot 3 Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.050 CFS

PLACE OF USE: STOCKWATER in CANYON County

T05N R05W S21 Lot 2 NENE

T05N R05W S21 Lot 8 NENE

T05N R05W S21 Lot 7 SWNE

T05N R05W S21 Lot 8 SENE

T05N R05W S21 Lot 1 NESE

T05N R05W S21 Lot 9 NESE

T05N R05W S22 NWNW

T05N R05W S22 Lot 4 SWNW

T05N R05W S22 Lot 3 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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Signature of person or attorney

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